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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,920	07/05/2001	Steven J. Simonyi-Gindele	O110 0001	1795

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EXAMINER

MEUCCI, MICHAEL D

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/897,920

Applicant(s)

SIMONYI-GINDELE ET AL.

Examiner

Michael D Meucci

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☒ Claim(s) 18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

Claim Objections

2. Applicant is advised that should claim 6 be found allowable, claim 18 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP §706.03(k).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 19 recites the limitation "updated information" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. It is believed by the examiner that the applicant meant to specify "updated client database information." Correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-2 rejected under 35 U.S.C. 102(b) as being anticipated by Blinn et al. (U.S. 5,897,622) hereinafter referenced as Blinn.

a. As per claims 1 and 8, Blinn teaches: providing a system server accessible to client computer system via the internet... (lines 31-48 of column 5 and Fig. 1); constructing a client database associated with system server by periodically updating product information, inventory, and customer information... (lines 58-62 of column 9); system server being accessible to agents' devices via the internet, said system server adapted to communicate data to and from agents' devices via the internet (lines 31-48 of column 5 and Fig. 1); communicating to agents, information relating to a customer from the system server (lines 13-17 of column 10); agent composing a customer product code and storing same on said device (lines 20 of column 3 through line 25 of column 4, lines 8-56 of column 12, Fig. 2, and Fig. 10); agent communicating order information to said system server (lines 24-27 of column 15); system server updating client database with order information (lines 26-46 of column 6); system server communicating updated client database information to client computer system (lines 26-46 of column 6).

b. As per claims 2 and 14, Blinn teaches: agent device is a wireless device (lines 46-48 of column 5).

c. As per claims 4, 9, and 16, Blinn teaches: agent device comprises a computer terminal or interactive television (lines 32-48 of column 5).

d. As per claims 6, 10, and 18, Blinn teaches: wireless device is selected from the group... (lines 9-25 of column 6).

e. As per claims 7 and 12, Blinn teaches: customer information communicated to agent comprises product inventory information (lines 5-17 of column 10).

f. As per claim 13, Blinn teaches: providing a system server accessible to client computer system via the internet... (lines 31-48 of column 5 and Fig. 1); constructing a client database associated with system server by periodically updating product information, inventory, and customer information... (lines 58-62 of column 9); system server being accessible to agents' devices via the internet, said system server adapted to communicate data to and from agents' devices via the internet (lines 31-48 of column 5, lines 13-17 of column 10, and Fig. 1); agent composing a communication including updated information on said device (line 20 of column 3 through line 25 of column 4, lines 8-56 of column 12, Fig. 2, and Fig. 10); agent communicating updated information to said system server via the Internet (lines 24-27 of column 15 and Fig. 9); system server updating information in client database (lines 26-46 of column 6); system server periodically communicating updated information to client computer system (lines 26-46 of column 6).

g. As per claim 19, Blinn teaches: updated information comprises product ordering information (lines 33-36 of column 6 and lines 60-62 of column 9).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 15 rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn as applied to claims 1 and 13 respectively, further in view of Roach et al. (U.S. 5,434,394) hereinafter referred to as Roach.

Blinn fails to teach: agent device comprises a bar code scanner. However, Schneider discloses: "Each computer 18 includes an infrared light pen 18A," (lines 49-50 of column 5 and item 18A in Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have the agent device comprise a bar code scanner. "(The) infrared light pen 18A which can be utilized for making selections on the screen of the computer, reading member cards 66 and reading product code labels 68," (lines 50-52 of column 5, item 18A in Fig. 1, and step 328 in Fig. 3a in Roach). It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have the agent device comprise a bar code scanner in the system as taught by Blinn.

9. Claims 5, 11, and 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Blinn as applied to claims 1 and 8 respectively, further in view of Official Notice.

Blinn teaches: data in client database is organized according to product categories and product description records for each product (lines 11-41 of column 2).

Blinn fails to teach: data in client database is organized according to customer agents. Official Notice is taken of organizing client databases by customer agents. Organization schemes are have been very well known in the art for many years.

Any organizational scheme could possibly be used to dictate what order tables or lists are stored in databases. It is for this reason that one of ordinary skill in the art at the time of the applicant's invention would have been motivated to have data in client databases organized according to customer agents in the system as taught by Blinn.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pontefract (U.S. 4,525,624) discloses data logging device.

Schneider et al. (U.S. 4,887,208) discloses sales and inventory control system.

Wagner (U.S. 5,742,845) discloses system for extending present open network communication protocols to communicate with non-standard I/O devices directly coupled to an open network.

Knowles et al. (U.S. 5,869,819) discloses internet-based system and method for tracking objects bearing URL-encoded bar code symbols.

Purcel (U.S. 5,940,807) discloses automated and independently accessible inventory information exchange system.

Grate et al. (U.S. 5,956,483) discloses system and method for making function calls from a web browser to a local application.

Johnson et al. (U.S. 6,023,683) discloses electronic sourcing system and method.

Sprenger et al. (U.S. 6,029,174) discloses apparatus and system for an adaptive data management architecture.

Petrovich et al. (U.S. 6,101,483) discloses personal shopping system portable terminal.

Gottzman et al. (U.S. 6,134,548) discloses system, method, and article of manufacture for advanced mobile bargain shopping.

Tracy et al. (U.S. 6,199,753 B1) discloses method and system for presenting item information using a portable data terminal.

Shkedy (U.S. 6,260,024 B1) discloses method and apparatus for facilitating buyer-driven purchase order on a commercial network system.

Sage (U.S. 6,397,226 B1) discloses system and method for inventory control based on inventory aging.

Sutter (U.S. 6,446,092 B1) discloses independent distributed database system.

Schiff et al. (U.S. 6,477,533 B2) discloses systems and methods of maintaining client relationships.

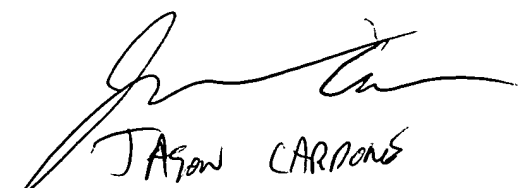
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (703) 305-1382, or at (571) 272-3899 after October 26th, 2004. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (703) 305-9705, or at (571) 272-3896 after October 26th, 2004. The fax phone number for this Group is (703) 308-5358.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number is (703) 305-3900.


JASON CARBONS
Primary Ex.
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